

SENATOR CHAMBERS: Then that is all I will say on it.

PPRESIDENT: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I feel I ought to bring to your attention that we had an Attorney General's opinion on a labor bill and the collection of wages. We haven't a formal opinion yet. I think we will be writing another one but the testimony before the Labor Committee raised constitutional questions of the state using a procedure, getting involved in private collections and I think we will be requesting a written opinion to clarify this thing because I can hardly understand how it would be different on a man's wages that were not paid or on a bad check that goes to an individual interest and I would just like to raise this question as to what will come up in the Attorney General's opinion as we get a formal written opinion coming out on this because it might cloud the procedures now of collecting bad checks I feel. So I am asking that the Legislature follow both of these issues because I think they are parallel issues and I certainly don't believe under our Constitution one can be treated differently than the other. I will wait for a written opinion and I am not...I am just raising the question that exists here on this bill. Thank you.

PRESIDENT: Senator Luedtke.

SPEAKER LUEDTKE: Mr. President, members of the Legislature, I just think that there is a distinction, Senator Burrows, and that is the criminal liability. We are talking about a crime. One is convicted of a crime and there is no doubt about the fact that you can have restitution under those circumstances. I think the situation you are talking about with regard to wages is more of a civil matter, and although there can be a crime or misdemeanor in connection with it, but under those circumstances it will be far different and could be distinguished. So I think that we could wait that opinion but I think you are going to find it has no bearing on this particular matter and I would urge the adoption of the amendment.

PRESIDENT: Any further discussion? Senator Kelly.
Just a moment, Senator Kelly. Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, a question of Senator Chambers. Senator Chambers, I saw a newspaper article the other evening where a man had committed a robbery, and within an hour or an hour and a half, conscience got to him or something and he put the money in a paper bag and he took it back to the person that he had robbed and returned it because he felt so guilty and the slug in the article says that even though he has returned the money, the police are still looking for him for armed robbery. In a situation of that nature, what does your amendment have to say.

SENATOR CHAMBERS: Senator Kelly, my amendment deals only with the provision of statute that Senator Nichol's bill is talking about which relates to bad checks, but as far as the philosophy that might be behind the issue that you raised, the purpose of the penal code is always to somewhat punish but also to try to rehabilitate these individuals, so if even prior to apprehension, the individual places an